

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 13-10200-GAO

UNITED STATES OF AMERICA

v.

DZHOKHAR A. TSARNAEV,
Defendant.

ORDER
February 13, 2015

O'TOOLE, D.J.

Boston Globe Media Partners, LLC, as publisher of The Boston Globe newspaper (the “Globe”), has moved for an order permitting public access to portions of the judicial proceedings in which the Court rules on challenges for cause or, in the alternative, public access to written orders reflecting the Court’s rulings on challenges for cause. The Trustees of Boston University (d/b/a WBUR-FM) and Cable News Network, Inc. have similarly moved and have incorporated by reference the Globe’s arguments, essentially moving to join the Globe’s motion. I construe the motions as motions to intervene for the purpose of seeking the requested relief and allow the media outlets’ limited intervention to the extent necessary to reach the merits of the pending motions.

As the movants acknowledge and do not contest, the parties’ motions to strike jurors for cause after individual voir dire have been made at sidebar on the record but outside the presence of the public. Although the Court generally has made contemporaneous provisional rulings on individual jurors, it anticipates making a final ruling concerning qualified and excused jurors in a subsequent written order that will be publicly available once approximately 70 jurors have been

provisionally qualified.¹ Accordingly, the Motion of Boston Globe Media Partners, LLP for Public Access to Legal Rulings on Challenges for Cause (dkt. no. 991) and the relevant portion of Motion of (1) Trustees of Boston University, d/b/a WBUR-FM and (2) Cable News Network, Inc. for (A) Public Access to Legal Rulings on Challenges for Cause; and (B) to Modify Order Concerning Press Presence During Jury Selection (dkt. no. 1002) are DENIED at this point.

To the extent the movants seek information about the progress of jury selection, fifty-four jurors had been provisionally qualified as of February 13, 2015.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge

¹ All written orders reflecting the Court's rulings on challenges for cause already have been made public. (1/12/2015 Order (dkt. no. 937); 1/12/2015 Order (dkt. no. 938).)